

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 40-59 and 87-126 are pending in the application. Claims 40, 87, 92, 99, 105, 113 and 121, which are independent, have been amended. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification, specifically pages 10-15. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(e) and 35 U.S.C. §103(a)

Claims 87-90 and 99-103 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 5,805,763 to Lawler et al. (hereinafter, merely "Lawler").

Claims 40-52, 57-59, 92-98, 105-110, 112-118 and 120-126 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Lawler in view of U.S. Patent No. 5,502,504 to Marshall et al. (hereinafter, merely "Marshall").

Claims 53-56, 111 and 119 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lawler in view of Marshall, and in further view of U.S. Patent No. 5,600,364 to Hendricks et al. (hereinafter, merely "Hendricks").

Claims 91 and 104 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lawler.

III. RESPONSE TO REJECTIONS

Claim 40 recites, *inter alia*:

“Apparatus for receiving electronic program guide (EPG) and program data transmitted on plural broadcast channels, said EPG data including image data representing images of reduced, less than normal size to identify respective programs which currently are and will be transmitted on several broadcast channels and said program data including video and audio data of plural programs currently being transmitted on respective broadcast channels, said apparatus comprising:

...means for displaying on said display means said images of reduced, less than normal size represented by said retrieved EPG data in superposition over the displayed program,

wherein said image data is sufficient for generating said reduced size images at said receiving means, such that said reduced size images are independent of said program data, and

wherein said reduced size images are superimposed via predetermined processing in a single-frame format on the program data and output for allocation to a unique transponder.”
(emphasis added)

As understood by Applicants, Lawler relates to a system that allows a user to identify a program for recording using an interactive program guide and then designate the identified program for automated recording at a later time.

As understood by Applicants, Marshall relates to interactive video communications and more particularly concerns viewer controlled, channel programming guide displays.

It is respectfully submitted that the applied combination of Lawler and Marshall does not provide disclosure of claim 40. Page 6 of the Office Action cites Figure 3 of Lawler and states, "(see Figure 3 for the EPG data generated being sufficient to generate the images in the form of title blocks 88)." Column 2, lines 47-49 of Lawler state, "Fig. 3 illustrates the screen of the video display on which a sample of the preferred display of the program time guide is shown." Further, in reference to Figure 3, Column 9, lines 17-25 of Lawler state, "...the interactive station controller 18 obtains program schedule information for that row or column and scrolls the program grid...". Applicants respectfully submit that Lawler fails to disclose the subject matter of claim 40.

Applicants submit that Lawler and Marshall, taken alone or in combination, fail to teach or suggest the above features of claim 1. Specifically, Applicants respectfully submit that there is no teaching or suggestion of an apparatus for receiving electronic program guide (EPG) and program data transmitted on plural broadcast channels wherein said image data is sufficient for generating said reduced size images at said receiving means, such that said **reduced size images are independent of said program data**, as recited in claim 40.

Indeed, Applicants submit that EPG data generated being sufficient to generate the images in the form of title blocks in which the screen of the video display on which a sample of the preferred display of the program time guide is shown as disclosed in Lawler, is completely different and provides no disclosure of an apparatus for receiving electronic program guide (EPG) and program data transmitted on plural broadcast channels wherein said image data is sufficient for generating said reduced size images at said receiving means, such that said **reduced size images are independent of said program data**.

Furthermore, Applicants submit that Lawler and Marshall, taken alone or in combination, fail to teach or suggest the above features of claim 1. Specifically, Applicants respectfully submit that there is no teaching or suggestion of an apparatus for receiving electronic program guide (EPG) and program data transmitted on plural broadcast channels wherein said reduced size images are superimposed via predetermined processing in a single-frame format on the program data and output for allocation to a unique transponder, as recited in claim 40.

None of the other references cited in the Office Action provide disclosure of the subject matter of claim 40.

Therefore, Applicants submit that independent claim 40 is patentable.

For reasons similar, or somewhat similar to those described above with regard to independent claim 40, amended independent claims 87, 92, 99, 105, 113 and 121 are also believed to be patentable.

Therefore, independent claims 40, 87, 92, 99, 105, 113 and 121 are patentable.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800